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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/686,798	10/16/2003	Richard A. Sunshine	US20000055-1	7931

173 7590 08/12/2005

WHIRLPOOL PATENTS COMPANY - MD 0750
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ST. JOSEPH, MI 49085

EXAMINER

PERRIN, JOSEPH L

ART UNIT	PAPER NUMBER
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1746

DATE MAILED: 08/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/686,798

Applicant(s)

SUNSHINE ET AL.

Examiner

Joseph L. Perrin, Ph.D.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) 2-9 and 25-44 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 10-24 and 45-48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

5.00

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 27 July 2005 has been entered.

Response to Arguments

2. In response to applicant's response filed 27 July 2005, the status of the application is as follows:

In view of applicant's amendment, applicant's arguments with respect to the rejection(s) of the claims under 102 and 103 have been fully considered and are persuasive. Therefore, the rejections have been withdrawn. However, upon further consideration, a new ground(s) of rejection is made further in view of JP 7-088299 to TOSHIO or JP 7-096096 to TOSHIO.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claim 45 is rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for a cabinet assembly comprising a plurality of interconnecting panels (i.e. Figure 8 and relative associated text) or an alternate embodiment of a cabinet assembly comprising a plurality of panels carried by interconnected frame elements (i.e. Figure 9 and relative associated text), does not reasonably provide enablement for a cabinet assembly comprising both interconnecting panels and interconnecting frame elements. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make or use the invention commensurate in scope with these claims. Applicant's original disclosure is not enabled for the combination of the alternative embodiments.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1, 10-24 & 45-48 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claimed discrete spaces "sized to house a washing machine" and "sized to house a clothes dryer" fail to define the metes and bounds of the claimed patent protection sought. Since such appliances are readily

available in various sizes, the claimed spaces do not clearly set forth the dimensions claimed, out of the vast number of possible washers and dryers which may or may not fit in such spaces. Applicant's attempt to claim a void based on the intended use of a washer or dryer fails to particularly point out and distinctly claim the cabinet structure. It is noted that the recitation of a washer and clothes dryer is intended use and is only afforded patentable weight to the extent that the apparatus requires the capability to perform the intended use.

Claim Rejections - 35 USC § 103

7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
8. Claims 1, 10, 12-14, 20 & 45-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over SANKA in view of JP 7-088299 to TOSHIO (previously cited; electronic translation provided) or JP 7-096096 to TOSHIO (previously cited; electronic translation provided) as evidenced by U.S. Patent No. 5,466,058 to CHAN. Re claims 1, 46, & 47, SANKA discloses (for instance in Figures 1-7 and relative associated text) a laundry cabinet assembly with interconnecting panels defining spaces including space for washer 40, a drying space A, a plurality of removable exterior decorative fascia panels 21-23 (fancy plywood), and an air moving device arranged to deliver air into and out of the drying space A (see air circuit dehumidification system of clothes dryer 30 in paragraphs [0030] – [0032]). Re claim 10, SANKA discloses a slidable shelf 70 (see paragraph [0023]). Re claims 12-13, SANKA further discloses a rod in the

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supplemental drying space for supporting clothes on a hanger (see Figure 6 and paragraph [0025]). Re claim 14, SANKA further discloses the cabinet having an open front side with cover panels 50/60 (see paragraph [0025] and Figures). Re claim 20, SANKA further discloses a perforated horizontal surface on the bottom of the drying space (see Figure 7). Re claim 45, SANKA discloses the cabinet being formed by installing panels 21-23 (see paragraphs [0014] & [0019]) which implicitly discloses the cabinet having a frame structure for fastening the panels thereto. Re claims 1 & 48, both TOSHIO '299 and TOSHIO '096 disclose a laundry cabinet assembly with discrete spaces for a washing machine and clothes dryer formed by interconnected panels (see, for instance, Figures 1, 3, 8, 9 of both references). It would have been obvious to one having ordinary skill in the art at the time the invention was made combine the laundry cabinet of SANKA with the laundry cabinet of TOSHIO '299 or TOSHIO '096, since it has been held that forming in one piece an article which has formerly been formed in two pieces and put together involves only routine skill in the art. *Nerwin v. Erlichman* 168 USPQ 177 (BPAI 1969); *In re Wolfe* 116 USPQ 443; *In re Howard*, 150 U.S. 164 (1893). Moreover, the position is taken that it is within the level of ordinary skill in the art to integrate the prior art laundry centers having plural discrete spaces to form an integrated laundry center having the claimed plural discrete spaces and one of ordinary skill in the art at the time the invention was made would have a reasonable expectation of success in combining plural discrete spaces of the prior art to arrive at the combined plural discrete spaces as claimed by applicant. Such integration can be evidenced, for instance, by CHAN which teaches that it is well known in the art to provide a modular

cabinet system which can be constructed in various combinations with plural discrete spaces of various sizes, shapes and drawers as well as duplicate parts to form an integrated cabinet assembly (see, for instance, the abstract and Figures).

9. Claims 11, 15-16 & 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over SANKA in view of TOSHIO '299 or TOSHIO '096, and further in view of PROCTOR (previously cited). Recitation of SANKA, TOSHIO '299 & TOSHIO '096 are repeated here from above. Although SANKA does disclose a drying space in the cabinet and a slidable shelf/rack, SANKA does not expressly disclose multiple slidable shelves/racks. PROCTOR teaches that it is well known to provide a drying cabinet with slidable drawers for supporting articles to be dried as well as accessing/extracting the article before and after drying (see page 2, line 1 *et seq.* of PROCTOR). Therefore, the position is taken that a person of ordinary skill in the art at the time the invention was made would have been motivated to modify the drying cabinet of SANKA with the slidable drawers of PROCTOR for the purpose of providing support and easy access to a plurality of articles which are to be dried. The drawers of PROCTOR read on applicant's claimed "slidable shelves", "slidable rack" and "shoe dryer". Moreover, it is noted that the use of the drawers are considered intended use and given little weight.

10. Claims 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over SANKA in view of TOSHIO '299 or TOSHIO '096, and further in view of RICE (previously cited). Recitation of SANKA, TOSHIO '299 & TOSHIO '096 are repeated here from above. Although SANKA does disclose a drying space in the cabinet, SANKA does not expressly disclose shoe dryers. RICE teaches that it is well known to

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dry hollow articles such as boots and gloves using dryers by inserting heated air into the articles (col. 1, line 13 *et seq.*) and further discloses a portable dryer for such hollow articles with convenient portability and storage, the portable dryer having a bottom support 134, a stem portion 22 for insertion into the hollow article to be dried, an air flow outlet at the end of the stem 116/117, and an air moving device 16 (see col. 1, lines 7-11 & Figures 1-2, 6, and relative associated text). Therefore, the position is taken that a person of ordinary skill in the art at the time the invention was made would have been motivated to modify the drying cabinet of SANKA with the portable shoe dryers of RICE for the purpose of improved, more efficient drying of hollow articles such as shoes.


Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph L. Perrin, Ph.D. whose telephone number is (571)272-1305. The examiner can normally be reached on M-F 7:00-4:30, except alternate Fridays.

12. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael E. Barr can be reached on (571)272-1414. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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13. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Joseph L. Perrin, Ph.D.
Primary Examiner
Art Unit 1746

jlp